LETTER

To

The Director General and Inspector General of Police,
State of Maharashtra, Bombay,

The Commissioner of Police,
Greater Bombay/Pune/Nagpur/Thane.

All District Magistrates.

All Superintendents of Police.

No. BCR 5384/3279/SPL-5,

Home Department (Special),
Mantralaya, Bombay-400 032,
Dated the 31st December 1984.

Subject:- Copyright Act, 1957.
Amendment to --

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Enclosed is a copy of the Amended Copyright Act, 1957 published by the Government of India.

2. The contents of the amendment should be brought to the notice of all concerned for information and appropriate ~~xx~~ necessary action.

Desk Officer, Home Department(Special),
Government of Maharashtra.

SECTIONS OF THE COPYRIGHT
(AMENDED UPTO 1984)

In section 2 of the Copyright Act, 1957 (hereinafter referred to as the principal act)

2. INTERPRETATION :- In this act, unless the context otherwise requires,-

(a) "adaptation" means,-

(i) in relation to a dramatic work, the conversion of the work into a non-dramatic work;

(ii) in relation to a literary work or an artistic work, the conversion of the work into a dramatic work by way of performance in public or otherwise;

(iii) in relation to a literary or dramatic work any abridgement of the work or any version of the work in which the story or action is conveyed wholly or mainly by means of pictures in a form suitable for reproduction in a book, or in a newspaper, magazine or similar periodical; and

(iv) in relation to a musical work, any arrangement or transcription of the work;

(b) "architectural work of art" means any building or structure having an artistic character or design, or any model for such building or structure;

(c) "artistic work" means -

(i) a painting, a sculpture, a drawing (including a diagram, map, chart or plan), an engraving or a photograph, whether or not any such work possesses artistic quality;

(ii) an architectural work of art; and

(iii) any other work of artistic craftsmanship;

(d) "author" means,-

(i) in relation to a literary or dramatic work, the author of the work;

(ii) in relation to a musical work, the composer;

(iii) in relation to an artistic work other than a photograph, the artist

(iv) in relation to a photograph, the person taking the photograph;

(v) in relation to a cinematograph film, the owner of the film at the time of its completion; and

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(vi) in relation to the record, the owner of the original plate from which the record is made, at the time of the making of the plate;

(e) "calender year" means the year commencing on the 1st day of January ;

(f) "cinematograph film" includes the sounds track, if any, and "cinematograph" shall be construed as including any work produced by any process analogous to cinematography;
(a) <u>EXPLANATION:</u> For the purposes of this clause," video films" shall also be deemed to be work produced by a process analogous to cinematography;

(g) "delivery", in relation to a lecture, includes delivery by means of any machanical instrument or by rediodiffusion;

(h) "dramatic work" includes any piece for recitation choreographic work or entertainment in dumb show, the scenic arrangement or action form of which is fixed in writing or otherwise but does not include a cinanatograph film;

(hh) "duplicating equipment" means any mechanical contrivance or device used or intended to be used for making copies of any work;

(i) "engravings" include etchings, lithographs, woodcuts, prints and other similar work not being photographs;

(j) " exclusive licence" means a licence which confers on the licensee or on the licensee and persons authorised by him, to the exclusion of all other persons(including the owner of the copyright), any right comprised in the copyright in a work, and "exclusive licensee" shall be construed accordingly;

(k) "Government work" means a work which is made or published by or under the direction or control of -

(i) the Government or any department of the Government;
(ii) any Legislature in India;
(iii) any court, tribunal or other judicial authority in India;

(l) " Indian work" means a literary, dramatic or musical work, the author of which is a citizen of India;

(m) "Infringing copy" means,:-

(i) in relation to a literary, dramatic, musical or artistic work, a reproduction thereof otherwise than in the form of cinematograph film;
(ii) in relation to a cinematograph film, a copy of the film or a record embodying the recording in any part of the sound track associated with the film;
(iii) in relation to a record, any such record embodying the same recording; and
(iv) in relation to a programme in which a broadcast reproduction right subsists under Sec.37, a record recording the programme, if such reproduction, copy or record is made or imported in contravention of the provisions of this Act;

(n) " lecture" includes address, speach and sermon;

(o) "literary work" includes tables complilations and computer programmes, that is to say, programmes recorded on any disc, tape, perforated media or other information storage device, which, if fed in to or located in a computer or computer based equipment, is capable of reproducing any information.

(p) "musical work" means any combination of melody and harmoney or either of them, printed, reduced to writing or otherwise graphically produced or reproduced;

(q) "performance" includes any mode of visual or acoustic presentation, including any such presentation by the exhibition of a cinematograph film, or by means of radio-diffusion, or by the use of a record, or by any other means and, in relation to a lecture, includes the delivery of such lecture;

(r) "performing rights society" means a society, association or other body, whether incorporated or not, which carries on business in India of issuing or granting licences for the performance in India or any works in which copyright subsists;

(s) "photograph" includes photo-lithograph and any work produced by any process analogous to photography but does not include any part of a cinematograph film;

(t) "plate" includes any stereotype or other plate, stone, block, mould, matrix, transfer, negative, duplicating equipment or other device used or intended to be used for printing or reproducing copies of any work, any matrix or other appliance by which records for the asoustic presentation of the work are or are intended to be made;

51. <u>WHEN COPYRIGHT INFRINGED</u> - Copyright in a work shall be deemed to be infringed -

(a) when any person, without a licence granted by the owner of the copyright or the Registrar of Copyrights under this Act or in contravention of the conditions of a licence so granted or of any condition imposed by a competent authority under this Act -

(i) does anything, the exclusive right to do which is by this Act conferred upon the owner of the copyright, or

(ii) permits for profit any place to be used for the performance of the work in public where such performance constitutes an infringement of the copyright in the work unless he was not aware and had no reasonable ground for believing that such performance would be an infringement of copyright, or

(b) when any person

(i) makes for sale or hire, or sells or lets for hire, or by way of trade displays or offers for sale or hire, or

(ii) distributes either for the purpose of trade or to such an extent as to affect prejudicially the owner of the copyright, or

(iii) by way of trade exhibits in public, or

(iv) imports into India.

provided that nothing in sub-clause (iv) shall apply to the import of two copies of any work, other than a cinematograph film or record, for the private and domestic use of the importer.

52 A (1) No person shall publish a record in respect of any work unless the following particulars are displayed on the record and on any container thereof, namely :-

(a) name and address of the person who has made the record;

(b) the name and address of the owner of the copyright in such work; and

(c) the year of its first publication,

(2) No person shall publish a video film in respect of any work unless the following ~~par~~ particulars are displayed in the video film, when exhibited, and on the video cassette or other container thereof namely :-

(a) if such work is a cinematograph film required to be certified for exhibition under the provisions of the cinematograph Act, 1952, a copy of the certificate granted by the Board of Film Certification under section 5A of that Act in respect of such work;

(b) the name and address of the person who has made the video film and a declaration by him that he has obtained the necessary licence of consent from the owner of the copyright in such work for making such video film; and

(c) the name and address of the owner of the copyright in such work."

63. Offence of infringement of copyright or other rights conferred by this Act.-

Any person who knowingly infringes or abets the infringement of-

(a) the copyright in a work, or

(b) any other right conferred by this Act,

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years and with fine which shall not be less than fifty thousand rupees but which may extend to two laks rupees;

Provided that the court may, for adequate and special reasons to be mentioned in the judgment.impose a sentence of imprisonment for aterm of less than six months or a fine of less than fifty thousand rupees".

63A. Whoever having already been convicted of an offence under section 63 is again convicted of any such offence shall be punishable for the second and for every subsequent offence, with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine which shall not be less than one lakh rupees but which may extend to two lakhs rupees;

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than one year or a fine of less than one lakh rupees:

Provided further that for the purposes of this section, no cognizance shall be taken of any conviction made before the commencement of the Copyright (Amendment) Act, 1984".

Police

64. Power of police to seize infringing copies:-(1) Any Police Officer, not below the rank of a sub-inspector, may, if he is satisfied that an offence under section 63 in respect of the infringement of copyright in any work has been, is being or is likely to be, committed seize without warrant, all copies of the work, and all plates used for the purpose of making infringing copies of the work, wherever found, and all copies and plates so seized shall, as soon as practicable, be produced before a Magistrate.

(2) Any person having an interest in any copies of a work or plates seized under sub-section (1) may, within fifteen days of such seizure, make an application to the Magistrate for such copies or plates being restored to him and the Magistrate, after hearing the applicant and the complainant and making such further inquiry as may be necessary, shall make such order on the application as he may deem fit.

65. Possession of plates for purpose of making infringing copies :- Any person who knowingly makes, or has in his possession, any plate for the purpose of making infringing copies of any work in which copyright subsists shall be punishable with imprisonment which may extend to two years and shall also be liable to fine.

68. Penalty for making false statements for the purpose of deceiving or influencing any authority or officer.- Any person who -

(a) with a view to deceiving any authority or officer in the execution of the provisions of this Act, or

(b) with a view to procuring or influencing the doing or omission of anything in relation to this Act or any matter thereunder,

makes a false statement or representation knowing the same to be false, shall be punishable with imprisonment which may extend to one year, or with both.

68A. Any person who publishes a record or a video film in contravention of the provisions of section 52A shall be punishable with imprisonment which may extend to three years and shall also be liable to fine.